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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-seventh session

SUMMARY RECORD OF THE 1111th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 8 August 1995, at 10 a.m.

Chairman: Mr. GARVALOV

CONTENTS

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Fifth, sixth, seventh, eighth and ninth periodic reports of Nicaragua (continued)

ORGANIZATIONAL AND OTHER MATTERS (continued)

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Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.95-18222 (E)

The meeting was called to order at 10.15 a.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Fifth, sixth, seventh, eighth and ninth periodic reports of Nicaragua (CERD/C/277/Add.1) (continued)

1. At the invitation of the Chairman, Mr. Mejía Solís, Mr. Rosales Díaz and Mr. Ruiz (Nicaragua) resumed their seats at the Committee table.

2. Mr. de GOUTTES said that Nicaragua constituted a special case: since the submission of the fourth report in 1988, the country had undergone a profound political, economic and social transformation and was currently engaged in consolidating a new democratic regime. He thanked the Nicaraguan delegation for the additional information it had provided and for submitting an up-to-date report. There were, nevertheless, some gaps in the information furnished. It was not clear, from the brief reference in paragraph 8 of the report to articles 549 and 550 of the Criminal Code relating to the offence of genocide, whether other racist acts were categorized as offences, as required by article 4 of the Convention. Neither was there any information on sentences handed down for such offences, information which the Committee regarded as a test of the extent to which the Convention was implemented. According to reports received from NGOs, in particular Amnesty International and the Human Rights Commission of Nicaragua, there had been complaints of violations of human rights, including police brutality.

3. Paragraph 36 of the report quoted article 18 of the Statute on the Autonomy of the Autonomous Regions of Nicaragua, which stipulated that the administration of justice in the Autonomous Regions should be governed by special regulations. The Committee would be interested to hear more about those special regulations, with a view to comparing them with similar regulations in force in Mexico. He asked whether members of the civil associations of minority groups referred to in paragraph 32 could appear in court to defend the rights of such indigenous groups.

4. Mr. SONG Shuhua asked why the Atlantic Coast region of Nicaragua had been separated into two "Autonomous Regions" and whether there were any differences between them with regard to the rights they enjoyed in such fields as land ownership and the exploitation of natural resources. He also asked whether legislation adopted by the Autonomous Regions had to be ratified by the central Government. He noted, from paragraph 50 of the report, that a number of parties had participated in the election of the members of the two Regional Councils. Were there any differences in the political configuration of the membership? He noted that, although the wealth created by the two Autonomous Regions, through the exploitation of timber resources for example, constituted a sizeable part of the national wealth of Nicaragua, those Regions received only a small part of the budget. He asked whether efforts were being made to associate the indigenous inhabitants with major development projects or whether most of the people in charge were officials of the central Government. The Government would need to take steps to develop education in order to ensure that qualified indigenous staff were available.

5. Mr. DIACONU drew attention to articles 17 and 19 of the Nicaraguan Constitution, quoted in paragraph 39 of the report. He noted that persons of Central American origin were entitled to opt for Nicaraguan nationality without renouncing their own, whereas other foreigners were required to renounce their nationality in order to be naturalized. Did that not constitute a form of discrimination between Central Americans and nationals of other countries? Article 121 of the Constitution, quoted in paragraph 60 of the report, stated that the communities of the Atlantic Coast region should have access, in their region, to education in their mother tongue, at the levels to be determined in accordance with national plans and programmes. He asked whether such plans had been drawn up and what the situation was in practice. How many schools had actually been created and at what levels?

6. Mrs. SADIQ ALI said that the Country Rapporteurs had already put most of the Committee's concerns to the Nicaraguan delegation, but she would like clarification on a few other points. She understood that a Ministry of Social Welfare had been established to combat poverty, rehabilitate the people and improve the overall standard of living. She would like to know what programmes the Ministry had initiated, given that official figures revealed an alarming deterioration in the standard of living, with 70 per cent of Nicaraguans living below the poverty level.

7. In connection with paragraph 52, which stated that financial resources were allocated annually for operating the autonomous governments of the Autonomous Regions and improving social services there, as well as providing direct support for socio-economic rehabilitation and for strengthening the autonomy of the peoples and communities in the Regions, she asked whether the Government had a definite policy of providing fixed sums from the national budget or whether financing was provided on an ad hoc basis. She also asked whether the statement in paragraph 50 that 10 parties or unions registered with the Supreme Electoral Council had participated in the 1990 elections and that deputies from three of those parties had been elected to represent the Atlantic Coast region, including three indigenous and two Creole representatives, meant that those representatives had been elected to the Nicaraguan Parliament and whether there was some fixed quota for them.

8. She asked what measures had been taken in the two Autonomous Regions to ensure meaningful participation by their authorities in decisions affecting their land, cultures and traditions and the allocation of natural resources. According to a country report on human rights practices published by the United States Department of State, the Nicaraguan central Government had granted business concessions in the Autonomous Regions without consulting the two regional governments. Apparently, decisions were often made regarding the exploitation of resources in the regions without adequate consultation.

9. She noted that one faction of Misquitos was still pressing for exclusive self-rule within its own autonomous territory. She asked whether the faction had agreed to participate in a regional government based on equal representation for all six groups of the multi-ethnic population of the East Coast. The IWGIA journal Indigenous Affairs had reported, in the spring of 1994, that after three years of frustration in dealing with the central Government, the Misquito organization YATAMA was considering developing its

relationship with the Sandinista National Liberation Front into an alliance in order to defend the region's autonomy. There was no reference in the report to that development, about which she would welcome clarification.

10. A law governing the use of natural resources seemed to be badly needed. According to IWGIA, a proposal had been made by the Northern Regional Council and was awaiting approval by the Southern Autonomous Atlantic Region. The Northern Autonomous Atlantic Region had a virtual monopoly over valuable mahogany but it would seem that the community received no tax benefit since the taxes collected went straight to the central Government. The Nicaraguan Institute for the Development of the Autonomous Regions (INDERA), which controlled tree-felling, represented the central Government, and the indigenous community had apparently no say in determining the use of the forest. She asked whether there was any law on forest administration and whether INDERA provided training for indigenous communities in agro-forestry.

11. The famous Nicaraguan Forest Reserve Project covered the largest area of rain forest in Central America. Several Sumu communities were situated in the eastern part of the reserve and there were also a few Misquito communities within its boundaries. Those peoples had lived in the forest for generations. To the west, however, the agrarian frontier was advancing quickly. Many of those involved were former Contras and their uncontrolled slash-and-burn style of agriculture constituted a very great threat to the forest, as well as to the Sumus and Misquitos. She asked what future INDERA envisaged for the reserve. The Sumus were worried that their traditional way of life and land-use would be lost. She would like an explanation of government policy on forest land in general.

12. Mr. AHMADOU said that, generally speaking, reports from the countries in Latin America seemed very preoccupied with the problems of the indigenous population, to the detriment, in his view, of information on the black population, who were not indigenous but had been brought there by force and were in many cases treated as second-class citizens. From his reading of the report (CERD/C/277/Add.1), the treatment of the black population in Nicaragua was among the best in that part of the world. He would, however, like to hear more about their progress and integration: for example, the number of black people working for government agencies or in the police or army.

13. Paragraph 71 of the report contained an updated table showing the ethnic composition of the peoples and communities of the Autonomous Regions. If the numbers were compared with those in the fourth periodic report, the Creoles and Sumus would appear to have remained the same while the rest had all increased, the number of Ramas having nearly doubled. He wondered whether those figures could really be accurate.

14. The report gave a very full account of the Government's good intentions regarding the implementation of the Convention but what the Committee really wanted to see was results. He hoped that the next report would give an account of what had actually been achieved regarding the elimination of racial discrimination since the coming to power of the new democratically-elected Government.

15. Mr. CHIGOVERA said that article 27 of the Nicaraguan Constitution, the provisions of which were cited in paragraph 13 as giving effect to the provisions of article 2 of the Convention, did not contain the full range of distinctions embraced by the term "racial discrimination" in article 1 of the Convention. There was no reference, for example, to exclusions based on colour. He found article 66 of the Constitution, quoted in paragraph 48 of the report, according to which Nicaraguans had the right to truthful information, very interesting. He had a question, however, about article 67, which stated that the right to impart information could not be subject to censorship, but was subject to the higher responsibilities established by law. He would like to know the nature of those higher responsibilities. In connection with paragraph 54 of the report, regarding access to remedies for violations of constitutional rights, he asked whether needy litigants had access to any form of legal aid. If the figures for the minority-group population in the fourth report and the current one were compared, there would seem to have been a 57 per cent increase in the population of Misquitos in a period of about 10 years. He would welcome comment on that point.

16. Mr. SHAHI commended the report of Nicaragua (CERD/C/277/Add.1), the recognition in the Constitution of the multi-ethnic character of the population, and the country's legislation to protect indigenous populations and ensure the implementation of article 2 of the Convention. Of particular merit were articles 549 and 550 of the Criminal Code, which made crimes against humanity and genocide offences punishable by law.

17. He asked for an explanation of why the International Convention on the Elimination of All Forms of Racial Discrimination was not among the instruments listed in paragraph 5 of the report. Despite the assertion in paragraph 69 of the report that the indigenous and Creole peoples of the Atlantic Coast region enjoyed "unprecedented guarantees" under the law consistent with the provisions of the Convention, further efforts were needed in Nicaragua to ensure full respect for article 4 and some of the rights contained in article 5.

18. Although Nicaragua had introduced legislation on autonomy for the indigenous communities of the Atlantic Coast region, there was still a long way to go before regional autonomy was fully institutionalized. The Government did not appear to rank the autonomy of that region high among its priorities and, in practice, permitted the uncontrolled exploitation of maritime and forestry resources. Additional information on the communal land titles of indigenous peoples and on the small indigenous communities of the Pacific Coast area of Nicaragua should be provided.

19. Mr. SHERIFIS welcomed the resumption of dialogue with Nicaragua after a 10-year hiatus. It was pleasing to note that article 8 of the Nicaraguan Constitution referred to the multi-ethnic nature of the population. He asked whether that characteristic of Nicaraguan society was reflected in government and legislative bodies, including the Cabinet.

20. The Government of Nicaragua deserved the utmost praise for its efforts to comply fully with the Convention and particularly to ensure that provisions prohibiting racial discrimination were enforced. The Government should,

however, consider making a declaration under article 14 of the Convention and approving the proposed amendment to provisions governing the financing of the Committee.

21. Mr. ABOUL-NASR said it could be argued that the situation described in paragraph 64 of the report, whereby cultural, social, linguistic and other factors were taken into account in trials of members of indigenous communities, constituted a blatant violation of the Convention. He requested further information on cases in which differentiation on an ethnic basis was applied.

22. Mr. MEJIA SOLIS (Nicaragua) thanked the Committee for appointing two Country Rapporteurs to examine the situation in Nicaragua and for the positive comments that had been made on Nicaragua's fifth, sixth, seventh, eighth and ninth periodic reports. The Committee had acknowledged the steps that were being taken to protect and promote the welfare of ethnic and indigenous communities.

23. Replying to questions asked by members, he said that the Nicaraguan Institute for the Development of the Autonomous Regions (INDERA) had recently been disbanded for two main reasons. The first was that the Institute's original function, namely, to bridge the gap between the national Government and the Atlantic Coast Autonomous Region was no longer relevant, as steps had been taken to consolidate regional governments and councils. The second reason was that INDERA had been managed primarily by representatives of the Misquito population of the Atlantic Coast region. That had led to discontent among the members of other ethnic groups, who felt that they were not being represented or given the assistance they needed.

24. His Government was anxious that regional governments should assume greater control over their affairs. The Supreme Electoral Council had been set up and representatives on regional authorities had been duly voted into office. In the 1994 elections, no single political party or group had won an overall majority, which had made alliances politically expedient. That had happened, for example, in the northern Atlantic Coast region, where a coalition had been formed, headed by the Sandinista Front with a Sandinista regional coordinator.

25. Government policies in the Atlantic Coast region included efforts to overcome the ravages of war, consolidate the democratic process, reintegrate people who had been uprooted by the conflict, and promote national reconciliation in the interests of social and economic recovery. The Government's programme for the region was based on the administrative decentralization of government and institutions to improve access to goods and services and encourage the activities of municipalities and communities. In recent years, efforts had focused on mitigating the difficulties caused by the region's harsh economic climate. The Government had tried to tailor its programmes and projects to the needs of indigenous populations. A programme to improve health care had been launched, and hospitals and health centres had been opened to cater for indigenous populations. Mother and child health programmes, including immunization campaigns, had led to a decline in child morbidity and mortality rates.

26. Of particular note in the field of education was the bilingual, inter-ethnic education programme. The highest possible priority had been given to the needs of ethnic groups and Autonomous Regions when the programme had been drawn up. Teachers, instructors, and leaders and representatives of indigenous communities were directly involved in the implementation of the programme, which in 1992 had covered approximately 13,000 children between pre-school age and the fourth grade of primary school.

27. In the field of technical education, the Nicaraguan Institute of Technology and a number of indigenous organizations had organized between 40 and 50 courses aimed at job creation and the enhancement of technical skills, particularly for the benefit of demobilized persons, returnees and women heads of households in 60 or so indigenous communities. Some 300 people had participated in workshops designed to encourage the launching of small-scale projects and micro-enterprises.

28. His Government had allocated funds to the Atlantic Coast region through the Emergency Social Investment Fund (FISE), which had been promoting the development of economic and social infrastructure such as bridges, roads and waterways. In recent years, FISE had invested some 20 million córdobas in reafforestation programmes and made available some 10 million córdobas for investment in educational buildings and equipment and health centres.

29. The Nicaraguan Institute of Energy, using its own resources and foreign assistance, had in the previous two years invested some US$ 5 million in new electric power plants designed to improve energy distribution in urban centres such as Bluefields and Puerto Cabezas.

30. The Ministry of Tourism was preparing cultural and environment-friendly tourism programmes involving visits to indigenous communities. Community members were being trained to run the projects and advisory services were available for the launching of community-based initiatives.

31. However beneficial such initiatives, it was impossible to redress the economic and cultural consequences of 172 years of fratricidal warfare, foreign occupation, dictatorship and natural disasters in less than a decade. Unfortunately, the more densely populated Pacific Coast had become the centre of administrative, financial, political and social development and the Atlantic Coast had been neglected. Socio-cultural differences had been compounded by the influence of two different colonial administrations: Spanish on the Pacific Coast and British on the Atlantic Coast. A new form of integrated relationship would have to be forged between the Pacific and the Atlantic by using economic resources to open up avenues of communication and to develop cultural links and tourism.

32. Mr. ROSALES DIAZ (Nicaragua) said that during the 40-year Somoza dictatorship the ruling dynasty had owned 80 per cent of the territory of Nicaragua. The Sandinista revolution of 1979 had been followed by a civil war and an economic blockade. Gross national product per capita had fallen from US$ 740 to US$ 430 in the previous decade and inflation had run as high as 30,000 per cent. The structural adjustment programme introduced to set the country back on course had certainly failed at the outset to provide social benefits but it was hoped that the programme would ultimately yield the

desired results. A major effort was under way to reduce Nicaragua's foreign debt, which stood at US$ 11,500 million, compared with a gross domestic product of US$ 1,800 million.

33. Managua was the headquarters of the Indigenous Parliament of America, which had recently held the Eleventh Inter-American Indigenous Congress and adopted the Managua Declaration. The Declaration had noted, inter alia, the urgency of recognizing the tenure of lands belonging to the continent's indigenous populations, of establishing coordinating machinery between States and indigenous populations to facilitate decision-making on matters concerning those populations, and of involving indigenous peoples in all aspects of political, legal, economic and social life. It unequivocally condemned all instances of violation of the rights of indigenous peoples throughout the Americas.

34. Nicaragua had actively participated in the activities of the United Nations Working Group on Indigenous Populations since its establishment in 1982. It also supported the drafting of a declaration on the rights of indigenous peoples.

35. A Commission on Ethnic Affairs and Indigenous Communities had been set up in the National Assembly. All its members were drawn from the indigenous population and it had held meetings with representatives of indigenous organizations from other parts of the Americas, including Nobel laureate Rigoberta Menchú. The Commission had prepared Nicaragua's Plan of Action for the United Nations International Decade of the World's Indigenous People. The themes for 1995 were: the general situation of Nicaragua's indigenous populations; promotion of awareness in the non-indigenous population; the cultural identity of indigenous populations. Activities would include: the convening of a national conference; amendment of national legislation, including the Constitution, to ensure indigenous rights; training for community leaders; establishment of a network to coordinate the plan of action; fund-raising; meetings with Central American indigenous organizations and peoples; and a campaign to secure recognition and respect for the traditional authorities of indigenous communities.

36. The themes for 1996 were: the right of indigenous populations to the land and its resources; the legal situation; sharing and recording of experience. Activities would include: the analysis and dissemination of the draft United Nations declaration on the rights of indigenous peoples; research and action on the ancestral lands of indigenous communities; organization of the first Central American seminar on indigenous rights to land and its resources; and an agreement with universities and technical education centres on support for the Plan of Action for the Decade.

37. The themes for 1997 were: environment and living conditions of indigenous populations; natural resources and their potential. Activities would include the first national conference of indigenous peoples on the environment and discussion of intercultural bilingual education in Misquito and Spanish.

38. The theme for 1998 was the rights of indigenous children and adolescents to education, sport and culture. Activities would include: research on indigenous education, convening of the first conference of indigenous peoples on education in Central America; building of sports grounds; organization of regional sporting events in indigenous schools; organization of the first Central American indigenous youth games; and preparation of a curriculum for intercultural education in indigenous communities that had lost their language.

39. The theme for 1999 was the right of indigenous peoples to health. Activities would include: research on the health of indigenous peoples in Nicaragua; the holding of the first Central America conference on the health of indigenous populations; and assessment with universities of the impact of medical, paramedical and psychological training on the health of indigenous populations.

40. The theme for the year 2000 was the economic development of indigenous populations. Activities would include: the holding of the first Central American conference on the economic development of indigenous populations; review of indigenous labour rights; analysis of the desirability of ratifying Convention No. 169 of the International Labour Organization (Indigenous and Tribal Peoples Convention, 1989); and preparation of an economic plan to promote and develop the economy of indigenous peoples.

41. The theme for the year 2001 was traditional authorities and the administration of justice. Activities would include: the holding of the first Central American conference on traditional authorities, the administration of justice and self-determination; exchanges of experience between indigenous leaders and the representatives of the Judiciary in individual Central American countries; and analysis of the administration of the Central American cultural heritage in the light of the contribution of past and present indigenous cultures and the benefit accruing to indigenous populations.

42. The themes for the year 2002 were: the human rights of indigenous populations; rights of senior members of indigenous communities; rights of disabled members of indigenous communities. Activities would include the holding of the first Central American conference on human rights and a systematic overview of human rights issues among indigenous populations in Central America.

43. The theme for the year 2003 was indigenous art, culture and economy. Activities would include: the first Central American conference on indigenous art; organization of a network of indigenous artists in the region; and dissemination of indigenous artistic values at the local, regional, national and international levels.

44. The theme for the year 2004 was indigenous rights: autonomy, land, natural resources, environment, culture, health, education, development, international law and sport. Activities would include: the first American conference on indigenous rights; a review of the Decade; publication of the results of the Plan of Action; and preparation of a proposal for the following Decade.

45. Turning to the subject of education, he said that a bilingual teacher training centre had been set up in Puerto Cabezas in the northern Atlantic Coast region. Instruction was provided in all languages extant in Nicaragua and teaching methods particularly suited to indigenous populations had been developed. Each graduate was assigned to teach in a particular region of Nicaragua.

46. As to health matters, it should be noted that under the current restructuring of the Nicaraguan health services and in line with an initiative launched by the Pan American Health Organization, information was being collected with a view to preparing strategies on the health care of the indigenous population.

47. In response to queries regarding the exploitation of natural resources in the Autonomous Regions, he referred the Committee to articles 9 and 36 of the Autonomy Statute and quoted extensively from them. Illustrating the importance of those articles, he drew attention to the recent refusal by the Regional Council of the Southern Autonomous Atlantic Region to set up a new department which would have entailed surrendering 36 per cent of its regional territory. Under the relevant provisions of the Constitution and the Autonomy Statute, regional territory could not be yielded without the prior approval of the Regional Councils. The resulting dispute between the State and the Regional Council on that matter would be dealt with by the Supreme Court of Justice. Specific legislation also existed on the use of the languages spoken by the Atlantic Coast communities. It stipulated that, although Spanish was the official language of the State, the languages spoken by the Misquitos, Sumos, Creoles, Garifonas and Ramas could be used for official purposes by the administrative organs of the Autonomous Regions.

48. Mr. MEJIA SOLIS (Nicaragua), providing further clarification on legislation governing the use of language, said that according to a provision adopted on 22 June 1993 the languages of the Atlantic Coast communities must be used in all laws and decrees promulgated by the State. Likewise, all official communications issued by the public health authorities and the Ministry of Transport, including road signs, must be translated into the regional languages concerned. Translations of employment contracts and collective agreements must also be provided, where possible, or access to an interpreter must be guaranteed. All staff involved in the administration of justice must be able to understand the languages of the parties to the dispute. The same applied to law enforcement officials.

49. As to concerns expressed regarding the participation of indigenous inhabitants in the affairs of the State, he confirmed that many did hold positions of responsibility in the civil service and regional and local authorities. In fact, there were university courses exclusively for the purpose of training civil servants belonging to the indigenous minorities. Similarly, members of the indigenous population could be freely elected to the organs of the State, Regional Councils and local authorities, there being no specific quotas established by the law regarding their representation.

50. In reply to further questions about the exploitation of natural resources in the Atlantic Coast region, he explained that while licences were issued by the central Government, they were subject to approval by the regional governments. The central Government could not therefore override decisions to refuse such permits.

51. There were various smaller indigenous communities based in the areas around Leon, Matapalpa, Jinotega and Rio Coco with populations of between 14,000 and 28,000 inhabitants. In general, the indigenous population of the Pacific Coast region had been assimilated into the local community, thereby losing its traditional culture and customs. By far the largest indigenous communities were found on the Atlantic Coast.

52. There was no form of compensation in respect of the repatriation of indigenous populations other than that mentioned by his delegation in its earlier statement. However, current legislation provided various remedies, including amparo, whereby any Nicaraguan citizen might initiate proceedings against the State or its officials for alleged violations of his or her constitutional rights. The only difficulty was that such cases were normally dealt with by the Court of Appeal and for the time being there was no such court in the Northern Atlantic Autonomous Region. Steps were none the less being taken to remedy the situation.

53. As to the practical measures adopted by the Government to combat racial prejudice in culture and education, mention had already been made of a number of language and cultural programmes under way. Other initiatives had also been launched to promote the artistic and cultural development of the regions, with government funding provided for artists and authors who wrote in their native tongue.

54. Concern had been expressed about the effective autonomy of the Autonomous Regions. To be sure the independence of regional bodies depended to a great extent on the ability with which the officials involved discharged their duties and the support they obtained from the relevant government and regional institutions. The degree of political autonomy was determined by the type of organization involved. The Autonomous Regions had their own political parties and forms of organization which were not subject to any legal restrictions, provided that they abided by the relevant legislation in force. However, the possibility of amending current legislation on political parties and elections was under consideration, with a view to creating greater political autonomy through the institutionalization of such forms of organization.

55. In response to questions relating to paragraph 25 of the report (CERD/C/277/Add.1), he observed that 98 per cent of the work on the demarcation and organization of municipalities had been completed. Efforts were now being focused on the drafting of relevant legislation. However, the special fund for social development and progress, mentioned in paragraph 28 of the report, had not yet been set up, since a number of difficulties remained to be resolved at the governmental and regional levels. He realized that in the time available he had been unable to answer all the questions put by the Committee. They would be dealt with in Nicaragua's next periodic report, due

in two years' time. He had already conveyed the Committee's initial comments on the report to the competent authorities in Nicaragua. He assured the Committee that forthcoming reports would be submitted in good time.

56. Mr. van BOVEN (Country Rapporteur), speaking also on behalf of the other Country Rapporteur, Mr. Ferrero Costa, thanked the delegation for the report and supplementary information provided. A good deal of attention had justifiably been given to the autonomous regime of the Atlantic Coast region. However, there was room for improvement in the practical implementation of that progressive regime, in particular regarding the equitable distribution of benefits derived from natural resources. The Nicaraguan delegation had failed to explain how it was complying with article 4 of the Convention. In that connection, he drew attention to general recommendation XV adopted by the Committee. He stressed the importance the Committee attached to measures adopted in compliance with article 7 of the Convention in view of the recent history of Nicaragua, which had been characterized by hostilities and animosity.

57. The delegation had not responded to remarks by members of the Committee regarding the declaration under article 14 of the Convention and the amendment to article 8, paragraph 6. He hoped that those matters would be brought to the attention of the Government of Nicaragua. He had enjoyed the dialogue with the Nicaraguan delegation and hoped that the next report would be submitted within the time-limit stipulated in the Convention, with due regard for the Committee's drafting guidelines and other relevant general recommendations.

58. The CHAIRMAN expressed his thanks to the delegation of Nicaragua for its informative report, and also the additional remarks which had shed light on a number of important issues. He welcomed the honest approach adopted by the delegation to the dialogue resumed with the Committee and expressed the hope that the following report would be submitted in good time.

59. Mr. MEJIA SOLIS (Nicaragua) said he was grateful for the Committee's concern about the situation in Nicaragua. Owing to time constraints his delegation had been unable to answer some of the more specific questions put by members of the Committee and had preferred to focus on general policy trends. Additional written replies to those questions could be made available to the Committee in the next few days.

60. The CHAIRMAN said that the Committee would welcome such additional information.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

61. The CHAIRMAN reported on changes required to the programme of work and other questions recently discussed by the Bureau of the Committee. Since the delegation of Nigeria would present its report a day later than scheduled, it was suggested that the time available should be used to make a start on the review of reports submitted by the United Republic of Tanzania, Somalia, Sierra Leone, Venezuela and Madagascar. The secretariat would notify the delegations of the countries concerned accordingly. Country rapporteurs were therefore requested to expedite preparation of their reports.

62. He also drew attention to a note drafted by the Bureau with the aim of facilitating the work of the Committee; it stressed the need for delegations, Country Rapporteurs and Committee members alike to adhere to the recommended time-limits when making statements. Draft concluding observations prepared on the reports of Belarus and Mexico would be dealt with in an open-ended discussion group, for which the Country Rapporteurs concerned should make the necessary arrangements. As to the joint meeting to be held with the Sub-Commission on Prevention and Discrimination and Protection of Minorities, a brief report on the results of the meeting would be drafted and taken up by the Committee in due course. He would take it that those arrangements were acceptable to the members of the Committee.

63. It was so agreed.

The meeting rose at 1.05 p.m.

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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Forty-seventh session

SUMMARY RECORD OF THE 1112th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 9 August 1995, at 10 a.m.

Chairman: Mr. GARVALOV

CONTENTS

ORGANIZATIONAL AND OTHER MATTERS (continued)

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (continued)

Sixth and seventh periodic reports of the United Republic of Tanzania

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GE.95-18280 (E)

The meeting was called to order at 10.20 a.m.

ORGANIZATIONAL AND OTHER MATTERS (agenda item 2) (continued)

1. The CHAIRMAN informed the Committee that the representative of the United Arab Emirates had asked if his delegation could have an hour longer than scheduled for the consideration of its seventh, eighth, ninth, tenth and eleventh reports (CERD/C/279/Add.1) to give it time to answer the Committee's questions.

2. Mr. BANTON considered that time limits must be respected and that the request should, therefore, be turned down. The three hours originally allocated for consideration of the report was more than enough time to deal with the situation in the United Arab Emirates.

3. Mr. RECHETOV, supported by Mr. WOLFRUM, Mr. SHERIFIS and Mr. de GOUTTES, said he felt strongly that the United Arab Emirates should be granted extra time in which to answer the Committee's questions. It was the Committee's responsibility to listen to what States parties had to report on the status of implementation of the Convention.

4. The CHAIRMAN said that the Committee would not discount the possibility of granting the United Arab Emirates the extra hour it had requested.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Sixth and seventh periodic reports of the United Republic of Tanzania (CERD/C/131/Add.11)

5. At the invitation of the Chairman, Mr. Mangachi (United Republic of Tanzania) took a place at the Committee table.

6. The CHAIRMAN welcomed the representative of the United Republic of Tanzania to the Committee's review of his country's implementation of the Convention.

7. Mr. MANGACHI (United Republic of Tanzania) apologized to the Committee for his Government's failure to update the sixth and seventh periodic reports (CERD/C/131/Add.11). However, many of the observations in the reports were still valid. For example, the constitutional principles mentioned in paragraph 9 continued to be upheld, as were the civil, economic, social and cultural rights described in paragraphs 34 to 45. However, rapid political changes at home and abroad had forced Tanzania to amend its legislation. For instance, its foreign policy vis-à-vis South Africa had been radically overhauled since the end of apartheid. Domestic legislation had also been amended to enhance the political rights of the population. The right to vote and to stand for election was guaranteed and the first multi-party elections would be held in October 1995.

8. The CHAIRMAN, speaking as Country Rapporteur, said that in March 1994 the Government of the United Republic of Tanzania had asked to postpone submission of its next periodic report. However, no report had been forthcoming since then. It was therefore encouraging that a Tanzanian representative had come to address the Committee.

9. In the seven years since the sixth and seventh periodic reports had been submitted, President Mwinyi had been re-elected, the Constitution had been amended, and political and economic reforms had been carried out, including the introduction of a multi-party system. It was also clear that Tanzania was taking its obligations under international human rights instruments seriously. However, there were still problems, including the conflict between the Union Government and Zanzibar, belated reforms of legislation, and the customary law that discriminated against women. In addition, the terms "race", "colour", "descent" and "national or ethnic origin" were absent from the definition of racial discrimination given in article 13 of the Tanzanian Constitution. The Government should consider inserting them in order to bring Tanzania's definition into line with that contained in article 1 of the Convention. Furthermore, paragraph 20 of the report stated that Tanzania had not enacted supplementary legislation to ensure compliance with article 4 of the Convention because it assumed that the Constitution, as the supreme law, was sufficient. That was not necessarily the case, since specific legislation was needed to back up constitutional provisions and ensure that a country's legal system was effective. The Constitution also failed to make racist activities a criminal offence. The Committee would welcome information on any court decisions on cases of alleged racial discrimination or victimization. Was the absence of such information in the sixth and seventh periodic reports an indication of the reluctance of victims to take recourse through the courts?

10. Additional information was needed on the status of international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, in the hierarchy of domestic legislation and on whether the Convention could be directly invoked before the courts.

11. It was a matter of some concern that the Government, in paragraphs 5 and 6 of the report, failed to acknowledge the existence of ethnic differences in Tanzania. The 40,000 Asians living on the Tanzanian mainland and the 4,000 living in Zanzibar, not to mention the Barabaig people, were clearly ethnically distinct from black African Tanzanians, as were the foreigners and the many thousands of refugees living in Tanzania. There were 127 tribes in Tanzania and although Swahili was their common language, each region had its own language. There were reports that African Tanzanians were discriminating against the Asian population and that pressure was being brought to bear on the Government to adopt policies of "indigenization" in order to ensure that the Asian community did not benefit from the privatization programme at the expense of the African population. The Barabaig people claimed that the Government of Tanzania had illegally dispossessed them of their traditional lands for the sake of an agricultural project. Comments on that question would be welcome. In 1994, the Barabaig people had started to campaign for redress for past discrimination and to

preserve their culture, which was a sign of democratic change in Tanzania. Details of the rights of foreigners in terms of voting and employment should be provided.

12. The existence of "Asians, Arabs and other people" in Tanzania was conceded in paragraph 12 of the report, which stated that the Government's relationship with those communities was based on the concept of one society rather than on a perception of their status as separate or assimilated groups. He pointed out that the acceptability of assimilation depended on its purpose and the means whereby it was achieved.

13. Why was the Government unwilling to gather statistical data on the demographic composition of the population and why did the amended Constitution of 1992 ban political parties based on ethnic, tribal, regional or religious identification or espousing the dissolution of the Union? The fear that such parties might endanger national security and the territorial integrity of the State was understandable and the Committee had consistently opposed secession and violation of territorial integrity. But at the same time the Government claimed that it had succeeded in "welding the nation together". He drew attention in that context to the case, reported by the Special Rapporteur on religious intolerance in paragraph 98 of document E/CN.4/1995/91, of the banning of the Quran Development Council of Tanzania on account of its alleged involvement in the destruction of three pork butcheries in Dar es Salaam by militant Islamists.

14. He asked whether there was a division along ethnic lines between communities professing different religions. If there was, the Committee would require more information concerning allegations by Muslims of preferential treatment for Christians in the civil service and Government and in State-owned businesses, and allegations by Christians of favouritism on the part of the Muslim President in recruitment for government positions and in the award of scholarships.

15. Had Tanzanians free access to courts of law and legal remedies if they wished to file a complaint alleging racial discrimination? Although Tanzanian legal experts generally agreed that the Judiciary was mandated to operate independently from the Executive, they were concerned that senior police officers and government officials had influenced court decisions in a number of cases, putting pressure on judges whose decisions were not to their liking and even threatening them with transfer and reassignment. Over 70 teachers on the island of Pemba had been dismissed by the Government for alleged involvement in anti-government policies and had been unable to seek legal redress or to rebut the allegations.

16. Tanzania had an admirable record of activism in the international community in support of decolonization and was itself still struggling with the legacy of its colonial past as it strove to bring about democratic change. The dialogue that had just begun reinforced his conviction that it would also make a valuable contribution to the implementation of the Convention and to the struggle against racial discrimination throughout the world.

17. Mrs. SADIQ ALI said that the Masai community, the largest single marginalized group in the United Republic of Tanzania, had identified

three problem areas at its first Conference on Culture and Development in December 1991: land alienation which had changed their natural habitat and pastoral way of life, leading to impoverishment; the clash between their customs, traditions and beliefs and the forces of modernity; a very high illiteracy rate which hampered communication with the outside world. What steps was the Government taking to improve their lot?

18. She asked whether the members of the Barabaig community who had been driven off high-quality grazing land by the National Agriculture and Food Corporation (NAFCO) had been given compensation for the resulting decline in the productivity of their herds. The expropriation scheme had contravened the law because it failed to respect Barabaig customary rights derived from historical and spiritual claims. According to Africa Watch, government officials had engaged in systematic abuse of Barabaig civil rights and had tried to deny them recourse to the courts to settle the dispute. In July 1989, the Prime Minister, using extraordinary powers conferred by a 1973 Act of Parliament, had issued a government notice abolishing customary land rights in the Barabaig lands under NAFCO occupancy, allegedly in an attempt to pre-empt two applications to the courts filed on behalf of the Barabaig community by the Legal Aid Committee and the University of Dar es Salaam. The Minister's notice had been denounced as unconstitutional and a violation both of the African Charter on Human and Peoples' Rights and of the Tanzanian Bill of Rights, which had become justiciable in 1988. If courts could be prevented from considering alleged violations of basic rights by executive fiat, the justiciable Bill of Rights was a dead letter. She asked whether the Government had taken any action to deal with the complaints of the Barabaig community.

19. According to the World Bank, the per capita income of Tanzania, at US$ 110, was only marginally higher than that of Mozambique. The country was hosting a quarter of a million refugees from neighbouring Burundi. Cholera and malaria were endemic and AIDS was a major socio-economic problem. Inflation was running at 22 per cent and there was an impending food shortage due to a drought. What steps was the Government taking to deal with those problems?

20. The once exemplary Tanzanian education system was on the brink of collapse. Primary school enrolment had dropped from 96 per cent of eligible children in 1979 to 78 per cent in 1987. Secondary school enrolment, at only 3 per cent for the 14 to 17 age group, was among the lowest in the world. School buildings were not being properly maintained. What was being done to improve school facilities and revitalize the education system?

21. Mr. SHERIFIS said that he had long been impressed by the performance of Tanzanian delegations to the United Nations as activists in the furtherance of human rights and decolonization and against apartheid in the Group of 77 and the Movement of Non-Aligned Countries. He had therefore been particularly disappointed at the previous lack of dialogue between the United Republic of Tanzania and the Committee. All States parties were bound by the provision of article 9, paragraph 1 (b), regarding the submission of periodic reports.

22. The policy of treating the entire population as a single community had, according to the report, succeeded in welding the nation together. As a

Cypriot, he envied Tanzania that achievement. What special measures had the Government taken to ensure that all ethnic groups participated in all branches of public life, the Executive, the Legislature and the Judiciary?

23. Mr. AHMADU said that on a previous occasion the periodic report of the United Republic of Tanzania had been discussed without a country representative; the reverse situation obtained at the current session. He trusted that both a report and a country representative would appear before the Committee on the next occasion Tanzania was discussed.

24. There were a number of points that should be highlighted in the next report. The country had a new President, a multiparty system and a new Constitution. The policy of ujamaa, a contribution to political philosophy that had been hailed in the past as the panacea for all Africa's ills, had been abandoned. The no less acclaimed and emulated policy of democracy in a one-party system had also been abandoned. Why had both those experiments failed?

25. Former President Julius Nyerere had pioneered a mass literacy campaign in Africa. Was the current slackening of that campaign in Tanzania due to a lack of funds? He suggested that funding might be available from the World Bank.

26. Mr. WOLFRUM said that it was not the Committee's intention in requesting demographic data to undermine communal integration in the United Republic of Tanzania. On the contrary, it believed that where a State was composed of different ethnic groups, action should be taken to ensure harmonious coexistence and cooperation of those groups. He asked how the economic, social and cultural status of the Masai, on the one hand, and the people of Zanzibar, on the other, compared with that of the rest of the population.

27. Mr. BANTON recommended that the State party should take careful note of paragraph 8 of the revised general guidelines regarding the form and contents of reports (CERD/C/70/Rev.3) in connection with the reporting of demographic data. He endorsed Mrs. Sadiq Ali's comments concerning the Barabaig community.

28. Mr. ABOUL-NASR said that the present meeting was extremely valuable since it would give the Government of the United Republic of Tanzania an idea of the Committee's main areas of concern and what should be covered in the periodic report. The latter must provide the Committee with more detailed information on human rights in Tanzania; in the meantime members were obliged to rely on other sources, which might be biased and did not necessarily reflect the real problems and priorities of the country. The Committee realized that the stringent reporting obligations of the various United Nations bodies constituted a heavy burden for smaller States parties, which had few qualified staff available for such tasks. Some of the information given by the Tanzanian representative, although not directly linked to compliance with the Convention, had proved useful - for instance, the information on Tanzania's colonial history and transition towards a multi-party system. He had the impression that racial tension between Muslims and Christians had largely been resolved in the past. The Committee would welcome the views of the Government on how remaining difficulties could be overcome, in the light of its priorities such as the debt burden and the overall social and economic

development of the nation. Tanzania could not be expected to adopt the type of solutions favoured by Western-style democracies, which would be entirely unsuitable in a tribal-based society. Moreover, he did not regard the statement made by the Tanzanian representative as a report or additional information, but rather as a declaration of intent by the Tanzanian Government to re-establish a mutually beneficial dialogue with the Committee.

29. Mr. PETCHETOV joined previous speakers in expressing satisfaction at the resumption of a serious and constructive dialogue with the United Republic of Tanzania, which despite the absence of a written report augured well for the future. Tanzania was one of the leading nations in the African continent; however, the legacy of its colonial and more recent past undeniably affected its implementation of the Convention. Mass illiteracy was just one phenomenon which prevented the people of Tanzania from reaping the immediate benefits of democratization and technological developments. Other grave social and economic problems were inextricably linked with the ethnic and religious situation.

30. A successful and continuous dialogue depended not only on the contribution of the State party, but also on the attitude of the Committee towards it. Members must not be sidetracked by questionable reports and statistics provided by outside sources, but should focus on improving their grasp of the history of the country, its role in the international community and diplomatic relations. In that connection, he welcomed the statement by Mr. Aboul-Nasr, but more importantly the excellent introduction given by the Country Rapporteur, which had set the tone for a constructive dialogue with the reporting country. He looked forward to further dialogue with Tanzania and a report which would come closer to satisfying the Committee's requirements.

31. Mr. MANGACHI (United Republic of Tanzania) assured the members of the Committee that their comments would be duly conveyed to his Government, particularly those on reporting obligations. He appreciated the Committee's understanding of the particular difficulties facing his country in that connection. Due note would also be taken of the special guidance given by the Chairman regarding the drafting of the periodic report. Many members had expressed concern about the demographic composition of the nation. That question must be seen in terms of the Government's efforts to redress long-standing social and economic disparities. The policy pursued by the colonial Powers, which had made the Asians and Africans second and third-class citizens respectively, had been institutionalized prior to independence. Under the new regime it had been considered a political imperative to destroy that artificial social hierarchy and create a homogeneous society, sometimes by going as far as denying the existence of different racial groups.

32. There had been suggestions of discrimination against Asians. Most people in Tanzania would say differently, for Asians were traditionally the privileged class of wealthy traders. His Government was trying to establish a legal framework in order to promote equal business opportunities for all Tanzanian citizens, including blacks. That would inevitably break the monopoly on trade held by Asian businessmen to date. As part of the Government's efforts along those lines, credit and other support might be

given to blacks rather than Asians, simply because the latter were already established in the business world. It should not be regarded as a form of racial discrimination or a deliberate attempt to oust the privileged classes.

33. The problems concerning the Masai and the Barabaig groups were closely linked with the process of nation-building. During the colonial era, certain parts of the country had prospered more than others and the indigenous populations living there had consequently had better access to education. In order to redress those imbalances, one of the first areas to be nationalized by the Government following independence had been secondary education. Formerly most secondary schools had been run by Roman Catholics or Anglicans. The intention of the Government had thus been to create a system under which entrance would be decided on merit and not on religious denomination. Such a policy had served to eliminate religious discrimination: for instance, Muslims were no longer obliged to convert to Christianity in order to obtain a decent secondary education. Parents who had received an education tended to send their own children to school. However, there had been difficulties with tribes such as the Masai. Since upon reaching a certain age, their children traditionally engaged in herding activities. There was no denying, therefore, that efforts to improve educational standards nationwide had interfered with certain tribal traditions.

34. For practical reasons, some restrictions had had to be imposed on the movements of the Masai. It was difficult to reconcile their nomadic way of life and traditional herding activities with the requirements of a modern State. For instance, the fact that territory might belong to another country and access was not allowed to wildlife reserves and private farms for grazing their livestock were concepts that the Masai found hard to grasp. Furthermore, the Government was having little success in convincing the Masai of the economic and ecological benefits of keeping smaller herds on confined pastures. Other challenges included the provision of adequate amenities for such groups. It must be emphasized that any interference by the Government in the traditional way of life of such tribes formed part of the national effort to modernize society and ensure greater economic development. Admittedly, during the transitional phase, there was resistance to such change by the tribes concerned, on account of which the human rights organizations were all too ready to allege violations. It was in his Government's interest not to marginalize the Barabaig and Masai communities, but rather to allow them to enter the mainstream of society by providing equal opportunities and greater access to State amenities.

35. Turning to the situation of refugees in Tanzania, he pointed out that following a recent influx from Rwanda the total refugee population was now estimated to be 1.4 million. Some of the refugees who had been residing in Tanzania for many years had been naturalized. However that was not a permanent solution. Steps must be taken to create more stable conditions in the countries of origin and to facilitate arrangements for their repatriation. There was no progress to report on the repatriation of Rwandan refugees and, anticipating a crisis situation, the Government had closed its border with Burundi. He stressed that the Rwandan refugees represented a huge economic burden for Tanzania, which could not cope with the situation single-handedly. Refugees were the responsibility of the international community as a whole and support provided solely at the peak of the crisis would not suffice.

36. As to the question of language, Kiswahili had proved very useful in the process of nation building, the intention being to create a sense of nationhood, along the lines of that in the United Kingdom, instead of perpetuating divisive racial and cultural differences.

37. A number of questions had been asked about illiteracy in Tanzania. The latest reports showed that, after earlier successes, the literacy rate was currently falling. At one point it had reached 85 per cent but it was now down to 65 to 70 per cent and still declining. The reason for that trend was economic hardship. It had formerly been Tanzanian government policy to finance primary education and adult literacy campaigns, but the conditions attached to the international economic assistance that the Government had been forced to seek meant that it was unable to spend so freely on such social services as education and health care. Pending the absorbtion of the unneeded manpower into private productive activities, the recommended streamlining of the public sector had merely brought more unemployment. Discussions were taking place with IMF with a view to softening those conditions, given the adverse social effects of the economic restructuring. The issues that had been remarked on were as disturbing to the Government as to the Committee. Tanzania was a least developed country, dependent for its earnings on the export of raw materials and suffering therefore from the syndrome of cheap exports and expensive imports that resulted from an unfair international economic system. It was essential for a dialogue to be opened on improving the terms of trade. Moreover, if the country was to have a free market regime, it would need free market access. Currently, manufacturing was monopolized by the developed countries and a few newly industrialized countries. Something must be done to reduce such glaring disparities in per capita income as that between Tanzania, where it was $110, and Switzerland, where it was $39,000. Where there was poverty of such magnitude, it was inevitable that the very problems that the Committee had been established to examine should proliferate.

38. Mr. Sherifis had made some pertinent comments about separate communities and the way in which his country had tried to solve the problem. The Government would take note of his suggestions. Its aim was to provide opportunities for as many people as possible.

39. Mr. Ahmadu had asked why there had been a shift from a single-party to a multi-party system since, in his view, the single-party system had been working well. Before the introduction of a multi-party system, an opinion poll had been taken. Of those polled, 80 per cent had been against introducing a multi-party system and only 20 per cent had been in favour. Nevertheless, the decision had been taken to respect the opinion of that 20 per cent. A multi-party system had been instituted and there were currently some 15 political parties on the register, of which 4 or 5 were significant. The parties were being encouraged to concentrate on the elections in the constituencies so that a proper parliamentary opposition could be established. The process was viewed as strengthening democracy. It had been felt that the liberalization of the economy should be accompanied by a matching political structure, and it was hoped that the first multi-party elections would go well. It was perhaps going too far to say that the policy of ujamaa, based on socialist principles, had been abandoned: rather, it had been modified. Although the policy had governed the country for a long time,

it had proved unsustainable. A strong economy was needed to be able to assist the poor by providing free services of all kinds. Outside help had been obtained and every effort had been made within the country, but the economic situation had remained dire and the policy could not be sustained. Political realities had had to be adjusted to economic realities. Services had indeed deteriorated, but the situation was not static. The ruling party had not changed it vision although it had been under severe pressure from the international financial institutions to adapt it.

40. The point made by Mr. Wolfrum and others about the need for reports to include demographic data had been duly noted. Mr. Wolfrum had also asked a question about the position of citizens of Zanzibar in the structure of the Union. Zanzibar was recognized as a specific entity: there was a Government of Zanzibar as well as a Union Government. Debate was currently going on about whether there should be only one Government, two as at present, or three, for Tanganyika, Zanzibar and the Union. The Act of Union of 1964 had recognized the need for two Governments in order to prevent Zanzibar from being swallowed up by the much bigger Tanganyika. It had been assumed that Tanganyika did not need similar protection. Over the years, however, the feeling had developed that the cost of running the Union Government was not equally shared between Zanzibar and Tanganyika. Zanzibar was not regarded as a threat to Tanganyika in any sense and the question was more administrative than political. A bi-partisan committee had been set up to work out a solution to the administrative problems. It was recognized that three Governments would be very expensive. Given that there was a separate Government of Zanzibar, certain rights and laws were specific to the people of the island. In a number of designated areas, however, such as defence, foreign affairs, education and home affairs, the Union laws applied to both entities. For some time, mainlanders visiting Zanzibar had needed an identity card, but not people from Zanzibar visiting Tanganyika. Consideration was currently being given to removing the requirement. There were many Zanzibar businessmen operating freely in Tanganyika but not many businessmen from Tanganyika in Zanzibar, not because there were any restrictions but because there were greater opportunities on the mainland.

41. Mr. Abdul-Nasr had expressed sympathy with the difficulties that developing countries experienced in fulfilling the expectations of the international community in regard to reporting. The Committee could perhaps recommend the establishment of a technical assistance mechanism to strengthen the dialogue between it and the reporting countries. Such assistance would help both the countries concerned and the Committee by ensuring that reports were made available on time.

42. In conclusion, he thanked the Committee members for their comments and assured them that his Government appreciated the value of the dialogue. His responses to the questions, though unofficial, would have given the Committee an indication of the way in which his Government viewed the points that had been raised.

43. The CHAIRMAN thanked the representative of the United Republic of Tanzania for his frank and detailed replies. He assured him that all the members of the Committee appreciated the difficulties faced by States such as his. The Committee was particularly anxious to maintain the kind of dialogue

in which it had just engaged. In 1988, the Committee had received a report but no representative of Tanzania had been present at the discussion. At the current session, the Committee had received no written report but it had been able to hear a representative of the reporting State, who had informed it of the latest developments and replied to many of the points that had been raised.

44. Mr. YUTZIS said that he had been particularly struck by the frankness with which the representative of the United Republic of Tanzania had engaged in a discussion of a subject that was not always referred to in the Committee, namely, economics. That encouraged him to stress once again the importance to the Committee of the economic model in force in a particular country. As long as there were economic models that resulted in the marginalization of certain sectors of the population, it was hardly surprising that racial discrimination should increase. Poverty could not be ignored: the link between poverty, marginalization and discrimination had been proved beyond doubt. Of course, outside financial pressure and scarce resources could not excuse the unfair distribution of such resources as were available. It was the responsibility of Governments to ensure that that did not take place. He hoped that, when Tanzania presented its next report, both in writing and through the presence of a representative, information could be provided on the distribution of national income among the different social sectors and on the efforts of the Government to distribute the available resources more equitably. Demographic data would be essential for that purpose. The effects of restructuring were highly important and it would be of great interest to the Committee to have more details in that regard in the next report. The suggestion that a way should be found, through the Advisory Services, Technical Assistance and Information Branch of the Centre for Human Rights, for the Committee to work with Tanzania on the next report was also very useful.

45. Mr. de GOUTTES said that the representative of the United Republic of Tanzania had emphasized his Government's desire to build a united nation despite the persistence of separate ethnic mentalities. The statement that the Government was making a special effort in that direction proved that there were ethnic distinctions which needed to be combated. Accordingly, the next report should include information on the legislation enacted for that purpose. Since ethnic distinctions existed in the minds of the people themselves, laws to combat racial discrimination were clearly necessary.

46. The CHAIRMAN thanked the representative of the United Republic of Tanzania for attending the meeting. He hoped that the representative was as convinced as the Committee itself of the merits of a continuing dialogue. He also hoped that the Government would do all it could to expedite the submission of its next report and that the Committee would be able to consider that report in the presence of the Government's representatives. The Committee's proceedings had been greatly enhanced by the extensive answers given and the new information provided had clarified many important points. The first part of the Committee's consideration of the report of the United Republic of Tanzania had thus been completed. The second part would consist of adoption of the Committee's concluding observations.

47. Mr. Mangachi (United Republic of Tanzania) withdrew.

The meeting rose at 1 p.m.